

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DORIAN HOLLIDAY,

Plaintiff,

-against-

23 CIVIL 2410 (PMH)

JUDGMENT

C.O. ARTIST,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated June 7, 2024, Defendant's motion to dismiss is GRANTED. While "[d]istrict courts should frequently provide leave to amend before dismissing a pro se complaint...leave to amend is not necessary when it would be futile." Reed v. Friedman Mgt. Corp., 541 F. App'x 40, 41 (2d Cir. 2013) (citing Cuoco v. Moritsugu, 222 F.3d 99, 112 (2d Cir. 2000)). "Courts have denied leave to amend as futile where the claims are barred by applicable statute of limitations." Bergrin v. United States, No. 19-CV-09681, 2022 WL 912280, at *14 (S.D.N.Y. Mar. 28, 2022); see also Khalil, 818 F. Appx at 116 ([A] district court may sua sponte dismiss a complaint as time-barred where the facts supporting the statute of limitations defense are set forth in the papers plaintiff himself submitted.). For the reasons described herein, Plaintiff's claim is time-barred and thus dismissed with prejudice as any amendment would be futile. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from the order would not be taken in good faith and, therefore, in forma pauperis status is denied for the

purpose of an appeal. See *Coppedge v. United States*, 369 U.S. 438, 44445 (1962); accordingly, the case is closed.

Dated: New York, New York

June 7, 2024

RUBY J. KRAJICK

Clerk of Court

BY:

K. Mango

Deputy Clerk